

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**LAUNIUS ROBERT GLENN, for
Anita Doris Glenn,**

Petitioner,

v.

**METHODIST CHARLTON
MEDICAL CENTER, et. al.,**

Respondents.

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Civil Action No. **3:16-CV-3131-L**

ORDER

On December 7, 2016, United States Magistrate Judge Renée Harris Toliver entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court dismiss without prejudice this action for lack of jurisdiction.* No objections to the Report were received as of the date of this order.

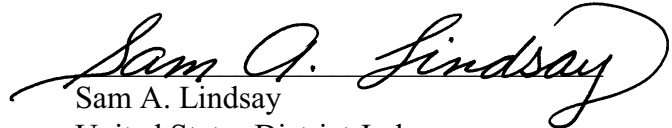
After considering the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this case for lack of jurisdiction. The court is directed to **term** any pending motions in this case.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P.(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and

* As noted in the Report, Petitioner originally brought this action against Methodist Charlton Medical Center. After the Report issued, Petitioner filed an amended pleading in which he identifies several other Respondents. The court determines that the addition of these new Respondents does not affect the magistrate judge’s analysis or recommendation that the case should be dismissed without prejudice for lack of jurisdiction.

n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Petitioner may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5). If Petitioner files a notice of appeal, he must pay the \$505 appellate filing fee or submit a motion to proceed *in forma pauperis*.

It is so ordered this 11th day of January, 2017.


Sam A. Lindsay
United States District Judge